

**MINUTES OF THE PUBLIC MEETING OF THE  
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY  
December 11, 2004**

**BOARD MEMBERS PRESENT:** President Martin Reiss, D.O.; Vice-President Stanley Grossman; Stanley Brysacz, Jr., D.O.; Murray Cohen, D.O.; David Steinway, D.O.; F. P. Wedel, D.O.

**BOARD MEMBERS ABSENT:** None

**STAFF / OTHERS PRESENT:** Elaine LeTarte, Executive Director  
Barbara Meyers, Deputy Director  
Barbara Prah-Wix, D.O., Medical Consultant  
Blair C. Driggs, Assistant Attorney General  
Rabin' Castro, Griffin & Associates (Court Reporter)

**1. CALL TO ORDER**

The Board President, Dr. Martin Reiss, called the meeting to order at 8:12 a.m.

**2. ROLL CALL AND REVIEW OF THE AGENDA**

The Executive Director took the roll. All Board Members were present, establishing quorum for the meeting. The Director noted that, at this time, there was one vacant seat on the Board. The staff and others listed above were also present.

The Director reviewed the changes between the draft agenda and today's final agenda.

**3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC**

Dr. Reiss welcomed the 3<sup>rd</sup> year medical students from Arizona College of Osteopathic Medicine at Midwestern University. After the conclusion of the Investigative Hearings, probation matters, and some of the Case Reviews, the Board held a question and answer session with the medical students. The students were dismissed at 11:40 a.m.

Dr. Reiss informed those present that it is the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. People wishing to speak should fill out a speaker form and give it to a staff member.

**4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES**

- A. October 23, 2004 meeting, open session
- B. October 23, 2004 meeting, executive session
- C. December 1, 2004 meeting, open session
- D. December 1, 2004 meeting, executive session

Dr. Cohen moved to approve the minutes of the last two meetings. Dr. Steinway seconded. The motion passed, 6-0.

**5. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS  
PURSUANT TO A.R.S. § 32-1855 (E) ONLY. All investigative hearings are transcribed  
and may be purchased from the court reporter listed.**

A. Paul Geimer, D.O. Case No. 3246 License No. 1509

This case began on September 11, 2004, and was continued at Dr. Geimer's request. Dr. Geimer was present and accompanied by his attorney, Mr. Steven Smith. Dr. Geimer was sworn in by the court reporter. Mr. Freidman, the complainant, was also present. The Executive Director synopsisized the case to date. Dr. Geimer explained to the Board his view on the appropriateness of his business name, and responded to their questions. Mr. Smith presented his view on the legal aspects of the case. Mr. Freidman presented his view and provided copies of the Psychology statutes. The Board then discussed the matter again with Dr. Geimer.

Dr. Brysacz moved to dismiss the case, if Dr. Geimer changed the name of his business. Dr. Reiss seconded. After more discussion, Dr. Steinway offered an amendment to the motion, to add that the name change be done within seven working days. Dr. Brysacz and Dr. Reiss accepted the amendment. A roll call vote was taken: Dr. Brysacz, yes; Dr. Reiss, yes; Dr. Wedel, yes; Dr. Steinway, yes; Dr. Cohen, yes; Mr. Grossman, yes. The motion passed, 6-0.

B. L. Stan Naramore, D.O. Case No. 3201 License No. 3859

Staff confirmed that Dr. Naramore had been noticed that of today's hearing after he had requested a continuance of the original October 23, 2004 date. Dr. Steinway moved that the case be moved to an Administrative Hearing. Mr. Cohen seconded. The motion passed, 6-0.

C. John Charochak, D.O. Case No. 3233 License No. 2333

Dr. Charochak requested and had been granted a first continuance of this hearing.

D. Charles Myers, D.O. Case No. 3384 License No. 1239

Dr. Myers' attorney requested and had been granted a first continuance of this hearing.

E. Suzanne Bentz, D.O. Case No. 3271M License No. 2866

Dr. Bentz requested and had been granted a first continuance of this hearing.

F. K. Talmage Lewis, D.O. Case No. 3131 License No. 3462

Dr. Lewis was present, and was sworn in by the court reporter. The Medical Consultant read the summary into the record. Dr. Lewis discussed the case with the Board, and responded to their questions. Dr. Wedel moved to dismiss the case. Dr. Steinway seconded. A roll call vote was taken: Dr. Wedel, yes; Dr. Steinway, yes; Dr. Brysacz, yes; Dr. Cohen, yes; Mr. Grossman, no; Dr. Reiss, yes. The motion passed, 5-1.

G. Thomas Masters, D.O. Case No. 3238 License No. 2951

Dr. Masters was present, and sworn in by the court reporter. The Medical Consultant and the Deputy Director read the summary of the case into the record. Dr. Masters discussed the case with the Board, and responded to their questions. Dr. Cohen moved to dismiss the complaint. Dr. Wedel seconded. The motion passed, 5-1.

**6. REVIEW, DISCUSSION, AND ACTION ON REQUEST REHEARING OR REVIEW OF DECISION PURSUANT TO A.A.C. R4-22-106, OR REQUEST FOR HEARING ON APPEALABLE AGENCY ACTION PURSUANT TO ARS § 41-1092.03.**

None

**7. REVIEW, DISCUSSION, AND ACTION ON CASES MOVED TO FORMAL ADMINISTRATIVE HEARING, PURSUANT TO A.R.S. § 32-1855 (I).**

None

**8. REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I).**

A. Lynne Pirie, D.O. Case No. 3422 License No. 1878

The Executive Director informed the Board that today Dr. Pirie was completing the last of the CME required by her probation.

B. Michael Ginder, D.O. Case No. 3033 License No. 0959

The Board discussed with the Executive Director Dr. Ginder's request for clarification of the CME required by his probation. Later in the meeting, Dr. Ginder was present and the Board clarified that the CME did not have to be specific to cosmetic surgery, and offered him a number of suggestions of where he might research to locate a suitable course. It was agreed that the six month period to complete the course would be re-set to begin today.

**9. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).**

A. Dale Schultz, D.O. Case No. 3209 License No. 1409

Based on the case materials and recommendations of the three independent reviewers, Dr. Steinway moved to dismiss the case. Dr. Wedel seconded. The motion passed, 6-0.

B. Bryan Fuller, D.O. Case No. 3265 License No. 3196

Based on the case materials and recommendations of the reviewers, Dr. Brysacz moved to dismiss the case. Dr. Wedel seconded. The motion passed, 6-0.

C. Michael Ginder, D.O. Case No. 3222 License No. 0959

Dr. Ginder was present, but was not asked to comment on the case. Based on the case materials and recommendations of the reviewers, Dr. Steinway moved to dismiss the case. Dr. Brysacz seconded. The motion passed, 6-0.

D. Arthur Taylor, D.O. Case No. 3272 License No. 2750

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to dismiss the case. Dr. Steinway seconded. The motion passed, 6-0.

E. Bruce Sobel, D.O. Case No. 3323 License No. 2197

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to dismiss the case. Dr. Steinway seconded. The motion passed, 6-0.

F. Bruce Sobel, D.O. Case No. 3339 License No. 2197

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to dismiss the case. Dr. Steinway seconded. The motion passed, 6-0.

G. Patrick Heenan, D.O. Case No. 3318 License No. 3051

Dr. Heenan was present, and discussed this case with the Board. Based on the case materials, the recommendations of the reviewers, and that discussion, Dr. Steinway moved to dismiss the case. Dr. Wedel seconded. The motion passed, 6-0.

H. John Belden, D.O. Case No. 3333 License No. 1645

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to dismiss the case. Dr. Brysacz seconded. The motion passed, 6-0.

I. Philip Pileggi, D.O. Case No. 3356 License No. 3889

Based on the case materials and recommendations of the reviewers, Dr. Cohen moved to conduct an Investigative Hearing on this matter. Dr. Steinway seconded. The motion passed, 6-0.

J. Donald Nelson, D.O. Case No. 3365 License No. 2846

Based on the case materials and recommendations of the reviewers, Dr. Steinway moved to dismiss this case. Mr. Grossman seconded. The motion passed, 6-0.

K. Donald Runyan, D.O. Case No. 3396 License No. 3599

Based on the case materials and recommendation of staff, Dr. Wedel moved to administratively close this case. Mr. Grossman seconded. The motion passed, 6-0.

L. Patricia Merrill-Wilson, D.O. Case No. 3341 License No. 3975

Based on the case materials and recommendations of the reviewers, Dr. Steinway moved to dismiss this case. Dr. Wedel seconded. The motion passed, 6-0.

M. Suzanne Bentz, D.O. Case No. 3354 License No. 2866

Based on the case materials and recommendations of the reviewers, Dr. Steinway moved to conduct an Investigative Hearing on this case. Mr. Grossman seconded. The motion passed, 6-0.

N. Jeffrey Haberern, D.O. Case No. 3342 License No. 2805

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to dismiss this case. Dr. Steinway seconded. The motion passed, 6-0.

O. Irwin Tischler, D.O. Case No. 3275 License No. 2738

Based on the case materials and recommendations of the reviewers, Dr. Steinway moved to dismiss this case, Dr. Wedel seconded. The motion passed, 6-0.

P. Howard Norman, D.O. Case No. 3192 License No. 0970

Based on the case materials and recommendations of the reviewers, Dr. Brysacz moved to dismiss this case. Dr. Steinway seconded. The motion passed, 6-0.

Q. Gaylon Crawford, D.O. Case No. 3380 License No. 2923

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to conduct an Investigative Hearing on this case. Dr. Steinway seconded. The motion passed, 6-0.

R. Gaylon Crawford, D.O. Case No. 3393 License No. 2923

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to conduct an Investigative Hearing on this case. Dr. Steinway seconded. The motion passed, 6-0.

S. Gaylon Crawford, D.O. Case No. 3400 License No. 2923

Based on the case materials and recommendations of the reviewers, Dr. Wedel moved to conduct an Investigative Hearing on this case. Dr. Steinway seconded. The motion passed, 6-0.

T. Mark Sundell, D.O. Case No. 3109 License No. 3290

Dr. Sundell was present, and discussed this matter with the Board. The Deputy Director synopsised the progress of this case since last year, when it first was brought before the Board. After discussion, Dr. Steinway moved that the Board conduct an Investigation Hearing on this matter. Mr. Grossman seconded. The motion passed, 6-0.

U. Vincent Forshan, D.O. Case No. 3448 License No. 3513

Based on the case materials, including those provided at the meeting, and recommendations of the reviewers, Dr. Wedel moved to conduct an Investigative Hearing on this case. Dr. Steinway seconded.

Dr. Wedel moved that the Board go into Executive Session for legal advice on this case. Dr. Steinway seconded. The motion passed, 6-0, and the Board went into Executive Session at 10:55 a.m.

The Board returned to open session at 11:05 a.m. The question was called, and the motion passed, 6-0.

V. Steven J. Locnikar, D.O. Case No. 3445 License No. 2669

Dr. Locnikar was present. In response to questions asked by Asst. Attorney General, Dr. Locnikar told the Board that his attorney was not going to be present today, and his attorney was okay with Dr. Locnikar talking to the Board without him present. The Executive Director summarized the situation; that the Board had directed Dr. Locnikar to admit himself for evaluation within a certain time period; however the evaluation program specified by the Board could not accommodate Dr. Locnikar until a later date. The Board discussed this matter with Dr. Locnikar. Dr. Steinway moved that as long as Dr. Locnikar agreed not to practice until then, Dr. Locnikar could present for evaluation no later than January 7, 2005. Mr. Grossman seconded. Dr. Locnikar agreed. The motion passed, 6-0.

**10. REVIEW, DISCUSSION, AND ACTION ON PROPOSED LEGISLATION FOR  
UPCOMING SESSION, PURSUANT TO ARS § 32-1803(B)(13). AND ON  
RULEMAKING, PURSUANT TO ARS § 32-1803(C)(1) AND (A)(10), AND  
SUBSTANTIVE POLICY STATEMENTS, PURSUANT TO ARS § 41-1091**

A. Consideration legislation for upcoming session (2005)

The Executive Director told the Board that she had no proposed legislation this session, but had been asked to comment on a proposed change to the Dept of Health Service statutes on private practice exemption. Dr. Cohen asked that research begin on a proposal to set standards for expert witnesses.

B. Budget Request for FY06/07

The Executive Director informed the Board that the budget requests had been made, and included monies for electronic board books and a new database system.

C. Five Year Rule Review

The Executive Director reported that the Five Year Review of rules had been submitted on-time to the Governor's Regulatory Review Council, and she was waiting for a response.

**11. REVIEW, CONSIDERATION, AND ACTION ON EXECUTIVE DIRECTOR'S REPORT.**

- A. Performance Measures Report
- B. Financial Report
- C. List of Meetings, Presentations, and Articles

The Board had no comment on the above reports.

**12. REVIEW, CONSIDERATION, AND ACTION ON LITIGATION AGAINST THE BOARD.**

- A. Tomlinson vs. AZ Board of Osteopathic Examiners CV2004-022896

Asst. Attorney General Driggs informed the Board that Dr. Tomlinson had appealed the Censure the Board has issued in case number 3189.

**13. ADJOURNMENT**

There being no further business on the agenda, Dr. Cohen moved to adjourn. Dr. Wedel seconded. The motion passed, 6-0, and Dr. Reiss adjourned the meeting at 12:00 noon.

Drafted: December 11, 2004

Approved: January 22, 2005